



# The HIGH ROAD

*"Preserving public confidence in public servants."*

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Hawaii State Ethics Commission

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## HAWAII STATE ETHICS COMMISSION WELCOMES ITS NEWEST MEMBER

On December 22, 1993, Governor Waihee appointed Dr. Sharon Bintliff to the State Ethics Commission. Dr. Bintliff fills the vacancy created by the resignation of Barbara Tanabe from the Commission. Dr. Bintliff's term will run until June 30, 1995. Dr. Bintliff is a resident of Kamuela, Hawaii, and is a practicing physician on the Big Island. The State Ethics Commission extends a warm welcome to Dr. Bintliff. We are especially pleased to have a neighbor island representative on the Commission.

The current members of the Hawaii State Ethics Commission are as follows:

Reverend David K. Kaupu, Chairperson.  
Reverend Kaupu is the chaplain at The Kamehameha Schools.

K. Koki Akamine, Vice Chairperson.  
Mr. Akamine is an estate planning consultant.

Cynthia T. Alm. Ms. Alm is an attorney and an assistant professor of real estate at the University of Hawaii.

Dr. Sharon Bintliff. Dr. Bintliff is an emergency trauma specialist on the Big Island.

Don J. Daley. Mr. Daley is a golf course development consultant.

## HAWAII LOBBYISTS LAW REQUIRES REGISTRATION AND EXPENDITURES REPORTS

In addition to the ethics laws, the Hawaii State Ethics Commission also administers and enforces the State's Lobbyists Law, chapter 97, Hawaii Revised Statutes. The lobbyists law requires all lobbyists who meet certain conditions to register with the State Ethics Commission. The conditions for registration are:

1. That an individual be engaged to lobby for pay or other consideration, AND

2. That the individual spend more than five hours in any month or \$275 in any six-month period for the purpose of lobbying.

The State Ethics Commission publishes a list of all registered lobbyists and the persons they represent. The list is available without charge to the public.

The lobbyists law also requires the reporting of lobbying expenditures and contributions twice each year. Expenditures reports must include the names of persons with respect to whom lobbying expenditures were made and the amount of such expenditures. The following persons must file lobbying expenditures and contributions reports with the State Ethics Commission:

- (1) Lobbyists who meet the conditions for registration.
- (2) Persons who employ or contract for the services of lobbyists.
- (3) Persons who spend \$275 or more in any six-month period for lobbying purposes.

Expenditures and contributions reports are due on January 31 and March 31 of each year. *The upcoming January 31 report covers the period from March 1, 1993 through December 31, 1993.* All lobbying expenditures reports are public records and are available for public inspection.

For additional information about the State Lobbyists Law, or for assistance in completing lobbying expenditures reports, please contact the State Ethics Commission at 587-0460.

## **ETHICS ADVISORY OPINION: STATE LEGISLATIVE ALLOWANCE MUST BE USED ONLY FOR LEGISLATIVE PURPOSES**

In Advisory Opinion No. 93-6, the State Ethics Commission advised former state senator Russell Blair that items such as books, computers, and computer software purchased with his legislative allowance must remain with the State after he left office. State law requires that all legislators be given a \$5,000 allowance to cover expenses connected with legislative duties. Senator Blair had purchased certain office items with the allowance and asked what should become of them when he left the Senate.

After researching the law providing for the allowance, the Commission determined that the clear intent of the law was that the allowance be used only for legislative purposes. The Commission advised Senator Blair that section 84-13 of the ethics code would forbid a legislator from using the allowance for a purpose clearly unrelated to his legislative duties. Section 84-13 forbids a state employee or legislator from using his position to grant himself an unwarranted benefit. The Commission concluded that items purchased with the allowance were purchased for a state purpose and so were the property of the State and must remain with the State. (Note: Senator Blair consented to the public release of this opinion by the Commission.)

Commission's legal opinions, investigations and charges, and educational activities. Copies of the annual report have been distributed to state libraries, the media, all state legislators, and all state departments. For additional copies, please contact the Commission's office.

## **REMEMBER TO CALL FOR ETHICS ADVICE**

One of the State Ethics Commission's primary functions is to advise state employees, legislators, and state board and commission members about the ethics laws. The Commission's staff attorneys routinely respond to requests for advice about ethics issues such as conflicts of interest, gifts given to state officials, the use of state resources for private business purposes, and state officials' representation of private clients before state agencies. If you have an ethics question, contact the State Ethics Commission at 587-0460. All requests for advice are confidential.

## **PLAN AHEAD FOR THE 1994 COGEL CONFERENCE IN KONA**

On December 4-7, 1994, the Hawaii State Ethics Commission and the Hawaii County Board of Ethics will co-host the 16th Annual Conference of the Council on Governmental Ethics Laws ("COGEL"). The COGEL conference will feature conference sessions on governmental ethics, elections, campaign finance, lobby law regulation, and open public meetings and records. Over 200 government officials from across the United States, Canada, and other countries are expected to attend the conference, which will be held at the Kona Surf Resort on the Big Island of Hawaii. Additional information about the COGEL conference will appear in future issues of this newsletter.

## **WANT TO LEARN MORE ABOUT ETHICS?**

State employees interested in learning more about the State Ethics Code are invited to attend one of the Commission's ethics workshops. The workshops are held on Oahu, the Big Island (Hilo and Kona), Maui, and Kauai. Workshop sessions last half a day. Through the use of hypothetical case studies, staff attorneys from the Commission cover the major provisions of the ethics code including conflicts of interests, gifts, and misuse of state office. Contact your department personnel officer for registration information or contact the State Ethics Commission.

## **COMMISSION PUBLISHES ANNUAL REPORT FOR FY 92-93**

The State Ethics Commission recently published its first annual report. The 55-page report describes the Commission's work during fiscal year 1992-93. The report includes information about the laws administered by the Commission and the

The High Road is a publication of the Hawaii State Ethics Commission.

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